

Application No.: 10/083,884  
Attorney Docket No.: 01-1002

### **REMARKS**

In the Office Action dated March 8, 2004, the Examiner (1) objected to the specification and (2) rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Schwartz et al. (U.S. Patent Application Publication No. 2002/0147811 A1). By this amendment, Applicants have amended the specification, amended claims 1, 2, 5, 7, 8, 10-12, 14-16 and 18-23, and added new claims 25-28. Claims 1-28 are now pending in this application.

In view of the above amendments and based on the following remarks, Applicants respectfully request reconsideration of this application and the timely allowance of pending claims 1-28. Each section of the outstanding Office Action is addressed under parallel headings below.

#### ***Specification***

Pages 1-2 of the specification are objected to because they omit the Application Numbers of the Applications mentioned therein. By this Amendment, Applicants have amended paragraph 002 to set forth the Application Numbers corresponding to the Attorney Docket Numbers originally supplied, and amended paragraphs 008, 025, 030, 033, 041, 042, 049, 063, 065 and the ABSTRACT OF THE DISCLOSURE in order to correct grammatical informalities as well as to conform the specification to the drawings as originally filed. Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

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***Claim Rejections – 35 U.S.C. § 102***

Claims 1-24 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Schwartz et al. Although Applicants disagree with these rejections, and without admitting that Schwartz et al. is prior art with respect to the present Application, Applicants have nevertheless amended claims 1, 2, 5, 7, 8, 10-12, 14-16 and 18-23 in order to advance prosecution of the present Application. Applicants expressly reserve the right to pursue additional claims without the amendments made herein.

***Claims 1, 11 and 18***

Claims 1, 11 and 18 are amended to recite, *inter alia*, "providing the calling party information to a second device associated with the called party and separate from the telephone device, via the data network." By contrast, Schwartz et al. *only* provides the caller identification information to the *same* device to which the telephone call is directed: the mediation subscriber communication device 16. See, e.g., ¶¶ 0036, 0042, Example 1, and Fig. 3.

In Schwartz et al., "the mediation subscriber [i.e., called party] communication device 16 is connected to the mediated party [i.e., calling party] communication device through the data packet network 22. ... [and] through the voice network 24" (¶ 0036). The mediation subscriber communication device 16 may be, e.g., "[a] mobile telephone capable of transmitting and receiving data packets via the General Packet Radio Service (GPRS)" (¶ 0042) or another device connected to such a phone (see ¶ 0045).

Accordingly, the "voice and data communication share a common connection" (¶ 0029) such that the mediation subscriber may be given the option of accepting 210 or

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deferring 212 an inbound call after viewing the caller's identification information. See ¶¶ 0053-0054 and Fig. 5. "In the case where the mediation subscriber chooses to accept the inbound communication, a connection is facilitated (block 210 [Fig. 5A]) between *the mediation subscriber communication device* [16] and the mediated party ...." (¶ 0054, emphasis added).

Nowhere does Schwartz et al. teach to provide calling party information to a second device associated with the called party and separate from the telephone device. The mediation subscriber computer system 34 is disclosed only for the preparation of policies (¶ 0049) and similar tasks, and not for the reception of calling party information. Thus, for at least these reasons, Schwartz et al. does not teach each and every recitation of claims 1, 11 and 18 as amended, and Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claim allowed.

#### **Claim 10**

Claim 10 has been amended in a manner similar to claims 1, 11 and 18 and is thus distinguished from Schwartz et al. for reasons similar to those advanced with respect to claims 1, 11 and 18 above. For example, Schwartz et al. fails to teach "presenting the caller identification information to the called party by displaying an instant message provided by the instant messaging server on a second device associated with the called party and separate from the destination telephone terminal," as recited in claim 10. Accordingly, for at least these reasons, Schwartz et al. does not teach each and every recitation of claim 10 as amended, and Applicants respectfully

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request that the rejection of this claim under 35 U.S.C. § 102(e) be withdrawn and the claim allowed.

***Claims 2-9, 12-17 and 19-28***

Claims 2-9, 12-17 and 19-28 depend from one of claims 1, 10, 11 and 18. As explained, claims 1, 10, 11 and 18 are distinguished from Schwartz et al. Thus, claims 2-9, 12-17 and 19-28 are distinguished from Schwartz et al. for at least the same reasons as claims 1, 10, 11 and 18, and Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

***Conclusion***

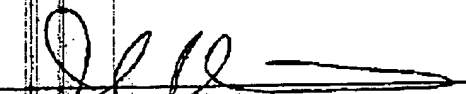
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and allowance of the pending claims.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

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